



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JAN 08 2016

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Article Number: 7015 0640 0001 0675 6941

Ms. Elizabeth Thomas
Town of Ulysses Supervisor
10 Elm Street
Trumansburg, New York 14886

**RE: Request for Information (“RFI”) Pursuant to Section 308 of the Clean Water Act
Town of Ulysses Municipal Separate Storm Sewer System (“MS4”) (NYR20A151)
Docket No. CWA-IR-16-007**

Dear Supervisor Thomas:

The United States Environmental Protection Agency (“EPA”) is charged with the protection of human health and the environment under the Clean Water Act (“CWA” or “Act”), 33 U.S.C. § 1251 *et seq.* Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides that whenever it is necessary to carry out the objectives of the CWA, including determining whether or not a person/agency is in violation of Section 301 of the CWA, 33 U.S.C. § 1311, the EPA shall require the submission of any information reasonably necessary to make such a determination. Under the authority of Section 308 of the CWA, the EPA may require the submission of information necessary to assess the compliance status of any facility and its related appurtenances.

The Town of Ulysses (“Town”) is hereby required, pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), to submit to the EPA the following no later than **sixty (60) calendar** days of receipt of this RFI:

1. Documentation, with accompanying photographs, of any **additional** measures taken to address each of the Potential Violations and Areas of Concern specified in the enclosed Audit Report beyond what has already been submitted to EPA as summarized in Attachment A of the Audit Report; and
2. A revised and up-to-date Stormwater Management Program (“SWMP”) Plan.

All information required to be submitted by this Request for Information shall be sent by certified mail or its equivalent to the following address:

Douglas McKenna, Chief
Water Compliance Branch
Division of Enforcement and Compliance Assistance
290 Broadway, 20th Floor
New York, NY 10007-1866

Any documents to be submitted by the Town shall be signed by an authorized representative of the respective entity (see 40 C.F.R. § 122.22), and shall include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitted false information, including the possibility of fine and imprisonment for knowing violations."

Failure to provide the required information may subject the facility to civil/criminal penalties pursuant to Section 309 of the CWA. Failure to comply with the RFI shall also subject the facility to ineligibility for participation in work associated with Federal contracts, grants or loans.

Enclosed is a copy of the audit report detailing the EPA's findings from its July 14, 2015 to July 15, 2015 Audit of the Town of Ulysses MS4.

If you have any questions regarding this Request for Information or the enclosed Audit Report, please feel free to contact Christy Arvizu of my staff via phone at (212) 637-3961 or via email at arvizu.christy@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. McKenna', with a long horizontal flourish extending to the right.

Douglas McKenna, Chief
Water Compliance Branch

Enclosure

cc: Joseph DiMura, P.E, Director, Bureau of Water Compliance Programs, NYSDEC
Darby Kiley, Environmental Planner, Town of Ulysses (ulysses.planner@gmail.com)
Tim DiGuilio, P.E., Regional Water Engineer, NYSDEC, Region 7
Scott Cook, NYSDEC, Region 7 (scott.cook@dec.ny.gov)



United States Environmental Protection Agency
Washington, D.C. 20460

Water Compliance Inspection Report

Section A: National Data System Coding (i.e., PCS)

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/> 11 <input type="checkbox"/> 12 <input type="checkbox"/> 13 <input type="checkbox"/> 14 <input type="checkbox"/> 15 <input type="checkbox"/> 16 <input type="checkbox"/> 17 <input type="checkbox"/> 18 <input type="checkbox"/> 19 <input type="checkbox"/> 20 <input type="checkbox"/>	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/> 11 <input type="checkbox"/> 12 <input type="checkbox"/> 13 <input type="checkbox"/> 14 <input type="checkbox"/> 15 <input type="checkbox"/> 16 <input type="checkbox"/> 17 <input type="checkbox"/> 18 <input type="checkbox"/> 19 <input type="checkbox"/> 20 <input type="checkbox"/>	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
21 <input type="checkbox"/> 22 <input type="checkbox"/> 23 <input type="checkbox"/> 24 <input type="checkbox"/> 25 <input type="checkbox"/> 26 <input type="checkbox"/> 27 <input type="checkbox"/> 28 <input type="checkbox"/> 29 <input type="checkbox"/> 30 <input type="checkbox"/> 31 <input type="checkbox"/> 32 <input type="checkbox"/> 33 <input type="checkbox"/> 34 <input type="checkbox"/> 35 <input type="checkbox"/> 36 <input type="checkbox"/> 37 <input type="checkbox"/> 38 <input type="checkbox"/> 39 <input type="checkbox"/> 40 <input type="checkbox"/> 41 <input type="checkbox"/> 42 <input type="checkbox"/> 43 <input type="checkbox"/> 44 <input type="checkbox"/> 45 <input type="checkbox"/> 46 <input type="checkbox"/> 47 <input type="checkbox"/> 48 <input type="checkbox"/> 49 <input type="checkbox"/> 50 <input type="checkbox"/> 51 <input type="checkbox"/> 52 <input type="checkbox"/> 53 <input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56 <input type="checkbox"/> 57 <input type="checkbox"/> 58 <input type="checkbox"/> 59 <input type="checkbox"/> 60 <input type="checkbox"/> 61 <input type="checkbox"/> 62 <input type="checkbox"/> 63 <input type="checkbox"/> 64 <input type="checkbox"/> 65 <input type="checkbox"/> 66 <input type="checkbox"/> 67 <input type="checkbox"/> 68 <input type="checkbox"/> 69 <input type="checkbox"/> 70 <input type="checkbox"/> 71 <input type="checkbox"/> 72 <input type="checkbox"/> 73 <input type="checkbox"/> 74 <input type="checkbox"/> 75 <input type="checkbox"/> 76 <input type="checkbox"/> 77 <input type="checkbox"/> 78 <input type="checkbox"/> 79 <input type="checkbox"/> 80 <input type="checkbox"/>	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
Inspection Work Days	Facility Self-Monitoring Evaluation Rating	BI	QA	Reserved	
67 <input type="checkbox"/> 68 <input type="checkbox"/> 69 <input type="checkbox"/> 70 <input type="checkbox"/> 71 <input type="checkbox"/> 72 <input type="checkbox"/> 73 <input type="checkbox"/> 74 <input type="checkbox"/> 75 <input type="checkbox"/> 76 <input type="checkbox"/> 77 <input type="checkbox"/> 78 <input type="checkbox"/> 79 <input type="checkbox"/> 80 <input type="checkbox"/>	Facility Self-Monitoring Evaluation Rating	BI	QA	Reserved	
67 <input type="checkbox"/> 68 <input type="checkbox"/> 69 <input type="checkbox"/> 70 <input type="checkbox"/> 71 <input type="checkbox"/> 72 <input type="checkbox"/> 73 <input type="checkbox"/> 74 <input type="checkbox"/> 75 <input type="checkbox"/> 76 <input type="checkbox"/> 77 <input type="checkbox"/> 78 <input type="checkbox"/> 79 <input type="checkbox"/> 80 <input type="checkbox"/>	Facility Self-Monitoring Evaluation Rating	BI	QA	Reserved	

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number)	Entry Time/Date	Permit Effective Date
Town of Ulysses Municipal Separate Storm Sewer System (MS4) 10 Elm Street Trumansburg, New York 14886	0830; 07/14/2015	05/01/2015
	Exit Time/Date	Permit Expiration Date
	1430; 07/15/2015	04/30/2017
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)	Other Facility Data (e.g., SIC NAICS, and other descriptive information)	
Elizabeth G. Thomas/Town Supervisor/607.387.5767 ext. 232 Darby Kiley/Environmental Planner/607.387.9778 ext. 222 Jim Meeker/Highway Department Superintendent/607.387.6230 Mariah Mahoney/Cornell Cooperative Extension/Culvert Crew Chief/712.574.5077		
Name, Address of Responsible Official/Title/Phone and Fax Number	Contacted	
Elizabeth G. Thomas, Town Supervisor 10 Elm Street Trumansburg, New York 14886 607.387.5767 ext. 232	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Section C: Areas Evaluated During Inspection (Check only those areas evaluated)

<input checked="" type="checkbox"/> Permit	<input type="checkbox"/> Self-Monitoring Program	<input type="checkbox"/> Pretreatment	<input checked="" type="checkbox"/> MS4
<input checked="" type="checkbox"/> Records/Reports	<input type="checkbox"/> Compliance Schedules	<input type="checkbox"/> Pollution Prevention	
<input checked="" type="checkbox"/> Facility Site Review	<input type="checkbox"/> Laboratory	<input type="checkbox"/> Storm Water	
<input type="checkbox"/> Effluent/Receiving Waters	<input type="checkbox"/> Operations & Maintenance	<input type="checkbox"/> Combined Sewer Overflow	
<input type="checkbox"/> Flow Measurement	<input type="checkbox"/> Sludge Handling/Disposal	<input type="checkbox"/> Sanitary Sewer Overflow	

Section D: Summary of Findings/Comments

(Attach additional sheets of narrative and checklists, including Single Event Violation codes, as necessary)

SEV Codes	SEV Description	See attached MS4 audit report for findings
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Phone and Fax Numbers	Date
Christy Arvizu <i>Christy Arvizu</i>	US EPA Region 2/DECA-WCB/212.637.961	12/7/2015
Signature of Management Q A Reviewer	Agency/Office/Phone and Fax Numbers	Date
<i>Jim Meeker</i>	US EPA Region 2/DECA-WCB/212.637.4268	1/7/16

INSTRUCTIONS

Section A: National Data System Coding (i.e., PCS)

Column 1: Transaction Code. Use N, C, or D for New, Change, or Delete. All inspections will be *new* unless there is an error in the data entered.

Columns 3-11: NPDES Permit No. Enter the facility's NPDES permit number - third character in permit number indicates permit type for U=unpermitted, G=general permit, etc.. (Use the Remarks columns to record the State permit number, if necessary.)

Columns 12-17: Inspection Date. Insert the date entry was made into the facility. Use the year/month/day format (e.g., 04/10/01 = October 01, 2004).

Column 18: Inspection Type*. Use one of the codes listed below to describe the type of inspection:

A Performance Audit	U IU Inspection with Pretreatment Audit	! Pretreatment Compliance (Oversight)
B Compliance Biomonitoring	X Toxics Inspection	@ Follow-up (enforcement)
C Compliance Evaluation (non-sampling)	Z Sludge - Biosolids	{ Storm Water-Construction-Sampling
D Diagnostic	# Combined Sewer Overflow-Sampling	} Storm Water-Construction-Non-Sampling
F Pretreatment (Follow-up)	\$ Combined Sewer Overflow-Non-Sampling	: Storm Water-Non-Construction-Sampling
G Pretreatment (Audit)	+ Sanitary Sewer Overflow-Sampling	~ Storm Water-Non-Construction-Non-Sampling
I Industrial User (IU) Inspection	& Sanitary Sewer Overflow-Non-Sampling	< Storm Water-MS4-Sampling
J Complaints	\ CAFO-Sampling	- Storm Water-MS4-Non-Sampling
M Multimedia	= CAFO-Non-Sampling	> Storm Water-MS4-Audit
N Spill	2 IU Sampling Inspection	
O Compliance Evaluation (Oversight)	3 IU Non-Sampling Inspection	
P Pretreatment Compliance Inspection	4 IU Toxics Inspection	
R Reconnaissance	5 IU Sampling Inspection with Pretreatment	
S Compliance Sampling	6 IU Non-Sampling Inspection with Pretreatment	
	7 IU Toxics with Pretreatment	

Column 19: Inspector Code. Use one of the codes listed below to describe the *lead agency* in the inspection.

A — State (Contractor)	O — Other Inspectors, Federal/EPA (Specify in Remarks columns)
B — EPA (Contractor)	P — Other Inspectors, State (Specify in Remarks columns)
E — Corps of Engineers	R — EPA Regional Inspector
J — Joint EPA/State Inspectors—EPA Lead	S — State Inspector
L — Local Health Department (State)	T — Joint State/EPA Inspectors—State lead
N — NEIC Inspectors	

Column 20: Facility Type. Use one of the codes below to describe the facility.

- 1 — Municipal. Publicly Owned Treatment Works (POTWs) with 1987 Standard Industrial Code (SIC) 4952.
- 2 — Industrial. Other than municipal, agricultural, and Federal facilities.
- 3 — Agricultural. Facilities classified with 1987 SIC 0111 to 0971.
- 4 — Federal. Facilities identified as Federal by the EPA Regional Office.
- 5 — Oil & Gas. Facilities classified with 1987 SIC 1311 to 1389.

Columns 21-66: Remarks. These columns are reserved for remarks at the discretion of the Region.

Columns 67-69: Inspection Work Days. Estimate the total work effort (to the nearest 0.1 work day), up to 99.9 days, that were used to complete the inspection and submit a QA reviewed report of findings. This estimate includes the accumulative effort of all participating inspectors; any effort for laboratory analyses, testing, and remote sensing; and the billed payroll time for travel and pre and post inspection preparation. This estimate does not require detailed documentation.

Column 70: Facility Evaluation Rating. Use information gathered during the inspection (regardless of inspection type) to evaluate the quality of the facility self-monitoring program. Grade the program using a scale of 1 to 5 with a score of 5 being used for very reliable self-monitoring programs, 3 being satisfactory, and 1 being used for very unreliable programs.

Column 71: Biomonitoring Information. Enter D for static testing. Enter F for flow through testing. Enter N for no biomonitoring.

Column 72: Quality Assurance Data Inspection. Enter Q if the inspection was conducted as followup on quality assurance sample results. Enter N otherwise.

Columns 73-80: These columns are reserved for regionally defined information.

Section B: Facility Data

This section is self-explanatory except for "Other Facility Data," which may include new information not in the permit or PCS (e.g., new outfalls, names of receiving waters, new ownership, other updates to the record, SIC/NAICS Codes, Latitude/Longitude).

Section C: Areas Evaluated During Inspection

Check only those areas evaluated by marking the appropriate box. Use Section D and additional sheets as necessary. Support the findings, as necessary, in a brief narrative report. Use the headings given on the report form (e.g., Permit, Records/Reports) when discussing the areas evaluated during the inspection.

Section D: Summary of Findings/Comments

Briefly summarize the inspection findings. This summary should abstract the pertinent inspection findings, not replace the narrative report. Reference a list of attachments, such as completed checklists taken from the NPDES Compliance Inspection Manuals and pretreatment guidance documents, including effluent data when sampling has been done. Use extra sheets as necessary.

*Footnote: In addition to the inspection types listed above under column 18, a state may continue to use the following wet weather and CAFO inspection types until the state is brought into ICIS-NPDES: K: CAFO, V: SSO, Y: CSO, W: Storm Water 9: MS4. States may also use the new wet weather, CAFO and MS4 inspections types shown in column 18 of this form. The EPA regions are required to use the new wet weather, CAFO, and MS4 inspection types for inspections with an inspection date (DTIN) on or after July 1, 2005.

**Municipal Separate Storm Sewer System (MS4) Audit
Town of Ulysses (NYR20A151)
July 14, 2015 through July 15, 2015**

Prepared by:

**United States Environmental Protection Agency - Region 2
290 Broadway
New York, New York 10007**

Town of Ulysses MS4 Audit
July 14, 2015 – July 15, 2015

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**Town of Ulysses MS4 Audit
July 14, 2015 – July 15, 2015**

1. INTRODUCTION

On July 14, 2015 through July 15, 2015 the United States Environmental Protection Agency (EPA), Region 2, conducted a program evaluation, or Audit, of the Town of Ulysses (Town or Ulysses) Municipal Separate Storm Sewer System (MS4). EPA is granted the authority to conduct the Audit through 40 C.F.R. 122.41(i). Ms. Christy Arvizu of EPA Region 2 conducted the Audit. Upon arrival and prior to conducting the audit, Ms. Arvizu presented credentials to representatives from the Town of Ulysses. The primary representatives involved in the Audit were the following:

Town of Ulysses Representatives:	<ul style="list-style-type: none">• Elizabeth G. Thomas, Town Supervisor (607) 387-5767, ext. 232• Darby Kiley, Environmental Planner / Stormwater Management Officer (607) 387-9778, ext. 222• Jim Meeker, Highway Department Superintendent (607) 387-6230
Cornell Cooperative Extension	<ul style="list-style-type: none">• Mariah Mahaney, Culvert Crew Chief (712) 574-5077
NYSDEC Region 3 Representative:	<ul style="list-style-type: none">• Scott Cook, Environmental Program Specialist 2 (315) 426-7502
EPA Region 2 Representatives:	<ul style="list-style-type: none">• Christy Arvizu, Environmental Scientist (212) 637-3961• Cyndy Kopitsky, Environmental Scientist (212) 637-3832

The purpose of the Audit was to determine the Town's compliance with the terms of its State Pollutant Discharge Elimination System (SPDES) MS4 Permit and to evaluate the current implementation status of the Town's stormwater management program. Prior to, during, and after the Audit, EPA Region 2 reviewed program materials received from the Town (see **Attachment A**). For this Audit, EPA Region 2 evaluated specific aspects of the following Minimum Control Measures (MCMs): Public Education and Outreach, Public Involvement and Participation, Illicit Discharge Detection and Elimination, Construction Site Stormwater Runoff Control, Post-Construction Stormwater Management, and Pollution Prevention and Good Housekeeping for Municipal Operations. EPA Region 2's Audit included interviews with staff, review of documentation and in-field verification of program implementation.

On July 30, 2015, Ms. Christy Arvizu and Ms. Cyndy Kopitsky of the EPA held a post-audit follow-up conference call with Ms. Darby Kiley of the Town of Ulysses and Ms. Angel Hinickle of the Tompkins County Soils and Water Conservation District (TC SWCD). The purpose of the call was to discuss elements of the Town's program that are implemented by the TC SWCD and / or the Tompkins County Stormwater Coalition.

2. HISTORY & BACKGROUND

The State of New York is the delegated permitting and enforcement authority for the National Pollutant Discharge Elimination System (NPDES) or State Pollutant Discharge Elimination System (SPDES) program. The New York State Department of Environmental Conservation (NYSDEC) is the delegated agency that

Town of Ulysses MS4 Audit
July 14, 2015 – July 15, 2015

implements the SPDES program and as such, issued a SPDES General Permit for Storm Water Discharges from MS4s (GP-0-15-003) (MS4 General Permit or Permit), which became effective on May 1, 2015 and expires on April 30, 2017.

The Town of Ulysses submitted a Notice of Intent (NOI) with an initial Stormwater Management Program (SWMP) Plan on March 3, 2003 to NYSDEC and subsequently, received Permit coverage under the MS4 General Permit (GP-02-02) (NYR20A1511), which became effective on January 8, 2003 and expired on January 8, 2008. NYSDEC issued the Town of Ulysses an Acknowledgement of Notice of Intent on March 24, 2003. Permit coverage remained in full force and effect and was automatically carried over upon the reissuance of MS4 General Permit (GP-08-002), which became effective on May 1, 2008 and expired on April 30, 2010. Upon expiration, permit coverage was automatically carried over to the current permit, MS4 General Permit GP-0-10-002, which became effective on May 1, 2010 and expired on April 30, 2015. Upon expiration, permit coverage was automatically carried over to the current permit MS4 General Permit GP-0-15-003.

The Town of Ulysses is located in Tompkins County, has a population of approximately 4,900 and consists of 36.8 square miles according to the 2010 U.S. Census and 33 square miles of land area according to the Town's Stormwater Management Program (SWMP) Plan. However, the urbanized area consists only of a small portion on the Town's eastern border (east of SR-89 from the Town of Ithaca border to the Girl Scout Camp) and a small section along the north side of Iradell Road to the west of SR-96. The Town's approximately 18 MS4 outfalls discharge stormwater to West Cayuga Lakeshore – South tributaries along Glenwood Road and Maplewood Road.

3. AUDIT FINDINGS

Program Components

Ms. Darby Kiley is the Town's designated Stormwater Management Officer (SMO) as well as the Town's Environmental Planner. Ms. Kiley stated she has been the SMO since January 2012. As part of her role as SMO, she coordinates with other entities such as the Highway Department, the local Soil and Water Conservation District, and the Tompkins County Stormwater Coalition in implementing the Minimum Control Measures (MCMs) required by the Permit. The Town is a member of the Tompkins County Stormwater Coalition (Coalition) and pays dues of \$1,500 annually, along with nine other municipalities. This Audit Report details the Town implemented specific program components and documents.

Stormwater Management Program (SWMP) Plan & Coordination

Prior to the Audit, the Town provided EPA with its SWMP Plan which was updated on June 26, 2015. Prior to the June 26, 2015, Ms. Kiley stated that the SWMP Plan had not been updated since it was drafted in 2012 when the Town was last audited by NYSDEC. Changes to the SWMP Plan were documented via track changes and provided to the EPA electronically during the Audit.

During interviews with Town representatives, the Town stated that the Coalition implements MCMs 1 & 2 (Public Education and Outreach, Public Participation / Involvement) by coordinating various outreach events such as the floating classroom and buffer plantings as well as preparing and presenting the joint Annual Report. The activities implemented by the Coalition are not outlined in the Stormwater Coalition of Tompkins County Memorandum of Agreement (MOA) that was referenced in the Town's SWMP Plan. Specifically, the MOA states that the purpose of the Coalition is to exchange information and foster cooperation among MS4s in

**Town of Ulysses MS4 Audit
July 14, 2015 – July 15, 2015**

complying with the EPA Phase II stormwater regulations; facilitate the use of resources to assist MS4s in meeting the requirements of the US EPA Phase II stormwater regulations and the permit conditions of GP-02-02 issued by the NYSDEC; identify funding mechanisms to meet the financial needs of complying with the Phase II stormwater regulations and GP-02-02; protect and/or improve local water quality in accordance with federal, state, county and local water quality regulations, planning documents and policies; and, facilitate consistency of stormwater management and regulations among municipal boundaries. A signed copy of the agreement was not available for review at the time of the Audit, nor had the MOA been updated to reflect the current permit as it still referenced the original permit (e.g. GP-02-02).

Ms. Kiley stated that copies of the Town's SWMP Plan are available to the public via her office or through the Town Clerk.

Public Education and Outreach & Public Involvement and Participation

At the time of the audit, the Town's SWMP Plan identified specific Pollutants of Concern (POCs), Geographic Areas of Concern (GOCs), Waterbodies of Concern (WOCs) and its target audiences. Due to the small size of the Town's urbanized area (UA), the Town is targeting the entire UA as a GOC. In addition, the Town's SWMP Plan identifies the various activities that will be utilized and offered by the Coalition, responsible entities and measurable goals as they pertain to the Coalition activities.

During the Audit, EPA and the Town discussed the Town's public education and outreach program. As indicated previously, the Town is part of the Tompkins County Stormwater Coalition. The Coalition offers multiple public education events and outreach opportunities to the ten municipalities that are part of the Coalition. The Coalition provides opportunities such as a "Floating Classroom", a construction stormwater class at the local community college, sponsored trainings for municipal staff and village / town boards, a biannual newsletter publication, NYSDEC four hour contractor training, watershed forums, and a Coalition website. Decisions are made as a Coalition as far as what publications to utilize and changes to make to the program on an annual basis. To date, Ms. Kiley stated that no changes have been made to the priorities as they have generally remained the same.

Beyond the Coalition led efforts, the Town also publishes a newsletter once a year in the spring and stated that the newsletter typically includes a short stormwater related article. The newsletter is available to Town residents via mailings, e-mail and on the Town website. For all Coalition led activities, Ms. Angel Hinickle tracks the data and reports it in the Annual Report. Town representatives stated that all Town activities such as mailings would be tracked via use of postage meter mailings.

When asked if the Town provided an opportunity for the public to participate in the development, implementation, review and revision of the Town's SWMP Plan, Ms. Kiley stated that there was no opportunity and that the public would have to specifically request to participate. The Town's SWMP Plan does not specify ways or mechanisms for public input. In addition, Ms. Kiley stated that there is no procedure to incorporate public comments on the Town's SWMP Plan.

Annual Report

Ms. Kiley stated that the Coalition representative (Ms. Hinickle) sends the Town (and the other nine municipality members) an Excel spreadsheet with requests for information relating to MCMs 3 – 6 in the early spring. Ms. Kiley fills out the spreadsheet and returns it to the Coalition for inclusion into the joint Annual

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July 14, 2015 – July 15, 2015

Report. Ms. Hinickle fills out information relevant to MCMs 1-2 as the Coalition tracks the relevant data. Ms. Hinickle also evaluates the data and determines the effectiveness of the measures implemented.

Once the report is completed, it is then presented to the County's Water Resources Council and public noticed. Copies of the draft Annual Report are available on the Coalition's website for public comment and review. Copies are also available at the Tompkins County Soils and Water Conservation District (TC SWCD) office and via e-mail. After the draft annual report presentation, the Coalition submits the final report to NYSDEC.

The EPA reviewed the most recent annual report submitted to NYSDEC on June 1, 2015 and noted that the report was not presented to the Water Resources Council until June 15, 2015, after the report was already submitted to NYSDEC. Ms. Hinickle stated that scheduling the public meeting this year was difficult due to the Council's calendar so it did not take place until after the report had been submitted.

Illicit Discharge, Detection and Elimination (IDDE)

Mapping of the Town's outfalls was conducted by the Town of Ithaca in 2007 and maps were created by the Tompkins County Soil and Water Conservation District in 2012. Town representatives were not sure if the Town had verified the outfall locations identified by the Town of Ithaca as activities occurred prior to their time with the Town. The Town of Ulysses utilizes hard copy outfall maps as it does not have GIS capabilities and outfalls are identified by a number. During the Audit, it was unclear how many outfalls there were in the Town as the Town's SWMP Plan indicated there were 50 outfalls but the 2015 Annual Report stated that there were 49 outfalls with 100% mapped. The Town stated it was a typo as the number in the SWMP Plan was correct. However, during discussions with Town representatives, it was determined that the Town's map included Town-owned and maintained outfalls as well as outfalls owned and maintained by other entities. Town representatives further clarified that due to the small size of its UA, all of the MS4 outfalls (approximately 18) are on the eastern side of the Town on Maplewood and Glenwood Roads (along Cayuga Lake).

Town representatives said that they were working toward developing the preliminary boundaries of its storm sewershed map as the Town was working with the Cornell Cooperative Extension. During the audit, it was stated that the map would be complete in the fall of 2015.

Mr. Meeker, Town Highway Superintendent, stated that MS4 outfalls are regularly checked and cleaned after storm events, but that the Town had not conducted an outfall reconnaissance inventory at every outfall once every five years. In addition, the Town's SWMP Plan states that outfalls on Glenwood Road and Maplewood Road are checked by the Highway Department in dry weather primarily for obstructions. The Town does not have formal inspection procedures. Ms. Kiley stated that the Town is working with the Cornell Cooperative Extension to develop these procedures.

Mr. Meeker stated that if work is done at an outfall, it is noted in a log book, but is not otherwise documented. Mr. Meeker stated that there are a total of 5 staff that are responsible for implementing the Town's IDDE program. According to the training tracking sheet maintained by Ms. Kiley, Highway staff received formal IDDE training in 2007 but names of staff were not listed.

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To date, the Town has not identified procedures for the investigation, identification and eliminating of illicit discharges. However, Ms. Kiley stated that the Town would refer to its illicit discharge ordinance for guidance. The Town's illicit discharge ordinance was adopted in 2012 (Storm Sewer System and Surface Waters Protection – Local Law #1 of 2012) and follows the NYSDEC Model Local Law (2/28/2012 Town Attorney certification provided).

On November 23, 2015, the Town of Ulysses forwarded a Standard Operating Procedure dated November 20, 2015 titled "Illicit Discharge Detection and Elimination (IDDE) which outlines the Town's IDDE program. The SOP included a description of the Town's urbanized area, local law, illicit discharge definition and examples, identification of key staff responsible for implementing the IDDE program, etc. In addition, the SOP included procedures for various types of outfall inspections (routine, opportunistic, citizen call-in), illicit discharge reporting and response, trackdown and elimination, and documentation / record keeping. The IDDE SOP also stated that the Town's storm sewersheds had been preliminarily delineated.

The Town's SWMP Plan states that an inventory of potential hotspots including gas stations, auto repair facilities, and industrial facilities will be developed, maintained and updated as necessary. The inventory will be ranked by proximity to stormwater conveyances. At the time of the Audit, this inventory had not been developed but the Town anticipated that it would be complete within 6 – 8 months or a year at the latest. However, Town representatives did state that there is limited industrial activity.

As part of its 2015 Annual Report, the Town reported 12 instances of illicit discharges / potential illegal connections were detected for the reporting period. All instances were attributed to failing septic systems and corrective action was taken by the Tompkins County Health Department upon referral from the Town. The Town clarified during discussions with EPA staff that all instances were found to be outside of the Town's urbanized area and not illicit discharges as there was no discharge to the Town's storm sewer system.

The Town's SWMP Plan states that the Tompkins County Health Department has a system to respond to complaints and conduct complaint investigations related to the County Sanitary Code. Complaints as well as septic system replacements are tracked and the Town receives copies of septic replacements and complaint investigations. The Town does not have procedures for receiving and tracking public calls or complaints as they relate to illicit discharges. Ms. Kiley stated that the public would call the Highway Department or the Town Hall and that information has been publicized on the Town's website and in its newsletter. She also stated that all phone calls received by the Town are logged / tracked; however, to date the Town has not received any complaints relating to stormwater.

The Town's SWMP Plan states that public education is provided via the Coalition's website which includes a page that addresses illicit discharges and improper disposal of waste. In addition to the website, Ms. Kiley stated that household hazardous waste mailers were provided, a county-wide brochure was provided on curbside recycling, and the Town included information relating to illicit discharges in its Spring 2014 newsletter which was mailed, posted on its website and made available in its office. The Town's SWMP Plan does not identify Town specific public education measures that are taken in addition to what is provided by the Coalition.

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Construction Site Stormwater Runoff Control & Post Construction Stormwater Management

At the time of the Audit, the Town identified two active construction sites (Wilcox Residence & Cayuga Compost) greater than one acre in the Town's jurisdiction. The Town retains an inventory of its active construction sites, but the inventory did not include the owner contact information as required by the MS4 Permit. In addition to the active construction site inventory, the Town provided a spreadsheet titled "MS4 Construction Site Annual Reporting Summary" which identified all sites (active and inactive) dating back to 2011, the location, developer, primary contractor, number of inspections, number of enforcement actions, construction start date, anticipated construction end date and actual construction end date.

While the Town's SWMP Plan provides a cursory outline of the process, it does not detail the Town's actual Stormwater Pollution Prevention Plan (SWPPP) review process which includes contracting with the TC SWCD and how comments are developed and transmitted. Ms. Kiley explained that the Town contracts with the TC SWCD on an annual basis to provide SWPPP reviews. A copy of the contract between the Town and TC SWCD was provided to the EPA for review. While the contract specifically identified the tasks that the TC SWCD will do (e.g. "review of the planning for, and monitoring the implementation of, erosion and sediment control measures on an as needed basis..."), the contract did not provide adequate assurance that the third parties (e.g. the SWCD) will comply with the MS4 permit.

Pursuant to the contract, the TC SWCD bills the Town at a rate of \$50/hour for work conducted on behalf of the Town. Two qualified staff from, and on behalf of, the TC SWCD conduct the SWPPP reviews (one for construction and one for post-construction). Ms. Kiley stated that the TC SWCD reviews the SWPPPs utilizing the NYSDEC SWPPP review checklist and communicates directly with the project developer. Sometimes, but not always, Ms. Kiley stated that the Town receives copies of completed SWPPP review checklists. Subsequent to the Audit, on July 30, 2015 via conference call, Ms. Hinickle of the TC SWCD and Ms. Kiley stated that comments on SWPPPs are transmitted to the Town via e-mail and Ms. Kiley then forwards the e-mail to the project developer. Revised SWPPPs are sent to both the Town and TC SWCD for review until all comments are satisfied. When the SWPPP is acceptable, the TC SWCD fills out the MS4 SWPPP Acceptance Form for the Town's signature. Subsequent to the conference call, Ms. Hinickle forwarded copies of TC SWCD SWPPP review comment letters (October 12, 2011 and November 8, 2011) as well as a copy of the 10/11/2011 SWPPP review checklist for the Architecture Technology Corporation site. The SWPPP review comment letters from the TC SWCD were addressed to the Code Enforcement / Building Inspector for the Town of Ulysses. In addition to the aforementioned, Ms. Hinickle also sent a copy of the 12/9/2014 SWPPP review checklist for the Wilcox Residence Farm Pond Improvement site. At the time of the Audit, copies of these letters and SWPPP review checklists were not available at the Town office.

On September 21, 2015, the Town of Ulysses forwarded the following SOPs dated July 30, 2015:

- "Review of Erosion and Sediment Control Plan Portion of Stormwater Pollution Prevention Plan (SWPPP)"
- "Review of Post Construction Stormwater Management Portion of Stormwater Pollution Prevention Plans (SWPPP)"

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The July 30, 2015 SOPs outlined the Town's SWPPP review procedures and coordination with the TC SWCD. The SOPs included a description of the role that the TC SWCD plays, what resources will be utilized as guides and specifications, the general review process, tracking of plans, identification of review staff and qualifications, and associated documentation such as a SWPPP receipt form, and the NYSDEC SWPPP review checklist.

During the Audit, EPA asked the Town if they required construction sites to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality, pursuant to the requirement of construction permit. Ms. Kiley stated that there isn't a specific requirement, but the Town would check the SWPPPs to see if measures were included. Upon review of the NYSDEC SWPPP Review checklist, the EPA observed there is a checklist item on page 2 under the "Erosion and Sediment Control Plans and Vegetative Measures" section that pertained to describing pollution prevention measures to control construction litter, construction chemicals and debris. However, there is no specific language in the Town's program specifically requiring construction sites to control wastes as specified in the Permit.

Town representatives stated that the public has the opportunity to review and comment on site plans and / or SWPPPs during public hearings. The Town's SWMP Plan also outlines how the public can access site plans for review. Ms. Kiley stated that any complaints relating to construction stormwater would be directly called into her or if they were called in to other Town contacts, the calls would be routed to her for follow-up. To date, the Town has only received one complaint relating to construction stormwater so there is not a tracking mechanism in place. The Town also does not have a written or documented procedure in place for responding to complaints; however, Ms. Kiley stated that if a complaint is received, the Town tries to respond quickly and the same day, if possible.

The Town's SWMP Plan provides a brief overview of the Town's construction site inspection program which requires inspections to be done by licensed third parties and with reports sent to the Code Enforcement Officer for review. The SWMP Plan also states that inspections will be done by the Code Enforcement Officer during normal code compliance visits with notices of violation or stop work orders issued at any time if the owner is in non-compliance with the stormwater law. The SWMP Plan also outlined how inspections were to be documented in a log, who would conduct inspections and when inspections would be done.

During the Audit, Ms. Kiley stated that she conducts inspections of all active sites and utilizes the most recent inspection report sent by the qualified inspector as a guide for her inspection. Ms. Kiley stated that she is usually accompanied by Ms. Hinickle of the TC SWCD on most of her inspections and both she and Ms. Hinickle have received the appropriate training. In addition to the site inspection report, Ms. Kiley marks up a site map to identify areas of concern as she walks the site. Upon conclusion of her inspection, she prepares a narrative report that correlates findings to the marked up site map (e.g. Finding A correlates to the area(s) marked with an "A" on the site map). The Town provided a copy of an inspection report (9/22/2014 ATC site visit) for review by the EPA Audit team. The inspection report did not include a timeframe for corrective actions that were required. In addition, for each site, Ms. Kiley maintains a construction site inspection log which tracks the following information:

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- Inspection Date
- Construction Stage
- Owner / Operator Inspection Data
 - Date of last inspection by owner
 - Issue identified during last inspection by owner?
- MS4 Inspection Data
 - Owner-identified issue addressed?
 - Water quality violation (Y/N)?
 - Notes / Enforcement action taken
 - Individual(s) spoken to on-site?
 - Contractor / Subcontractor responsible
 - Date Issue Corrected

On September 21, 2015, the Town of Ulysses forwarded a SOP titled “Municipal Construction Site Inspection” dated July 30, 2015. The updated SOP outlined the Town’s inspection program including defining qualified personnel, selecting sites, preparing for inspections, field procedures, inspection report (including determining follow-up action), and records management. In addition, the SOP included a copy of the NYSDEC Construction General Permit checklist that the Town plans to use as the basis for its inspection. The updated SOP did not include a description of the Town’s enforcement escalation plan or how it would specifically address non-compliance beyond formulating a plan of action (Notice of Violation, Stop Work Orders, etc.) if the construction site has had a rating of unsatisfactory more than once.

To date, the Town has only had one formal enforcement action (a verbal Stop Work Order) which was issued as a site had begun earth moving activities without permit coverage. The site contractor was ordered to cease earth moving activities and grade / reseed the area. The Town’s SWMP Plan outlines procedures for construction site violations in Appendix B.

While the Town’s Notice of Termination procedures are not documented in its SWMP Plan, Ms. Kiley stated that in order for sites to file the required NOT form with NYSDEC, the Town conducts final inspections to ensure that everything is done according to the SWPPP. Once the inspection has been completed and the site meets the Town’s requirements, the site owner can then sign off on the NOT prior to the Town’s review and signature.

On March 13, 2007, the Town adopted Local Law 3 of 2007 (Local Law No. 01 for Stormwater Management and Erosion and Sediment Control) which includes stormwater management and erosion sediment control, SWPPP development, design standards, the maintenance, inspection and repair of stormwater facilities, and includes enforcement and penalties for failing to adhere to the aforementioned requirements. The Town provided attorney certification dated 3/13/2012 that its local law was equivalent to the NYSDEC sample local law.

At the time of the Audit, the Town’s SWMP Plan stated that an inventory list of post-construction practices is updated as new practices are installed. However, at the time of the Audit, the Town did not have an inventory of

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post-construction stormwater management practices available. Subsequent to the Audit, on September 11, 2015, the Town forwarded an inventory of post-construction stormwater management practices. The inventory included the following:

- a. Worksheet with listing of projects by name with type of practice, location, tax parcel number, maintenance needed per the SWPPP, inspection date, date work completed, date maintenance issue closed, Notice of Termination date.
- b. Individual worksheets for each project that identified specific maintenance items from the relevant site's SWPPP

At the time of the Audit, the Town's SWMP Plan stated that its stormwater law requires that the developer execute an inspection, maintenance and easement agreement that is binding on subsequent landowners benefited by a stormwater facility. In addition, that agreement must provide Town access to facilities for inspection and possible maintenance. During the Audit, Town representatives stated that there were no procedures for ensuring adequate operation and maintenance of post-construction stormwater management practices. However, Town representatives stated that the Town will be requiring inspections of private stormwater management practices in accordance with stormwater maintenance and easement agreements (a copy of an executed agreement was provided for review). The agreements include copies of maintenance and inspection checklists which are required to be submitted to the Town annually. Inspections are to be done by licensed / certified professionals.

The Town's SWMP Plan stated that the TC SWCD sponsors multiple NYSDEC endorsed 4-hour Erosion and Sediment Control trainings for contractors and municipal staff annually. When asked how the Town ensured that construction site owners and operators received the training prior to starting work and documented verification, Ms. Kiley stated while she knows the operators have taken the trainings and have the certifications on-site, the Town does not document that contractor training has been verified.

Pollution Prevention and Good Housekeeping for Municipal Operations

The Town's SWMP Plan stated that Highway staff were encouraged to attend Safety Data Sheets (SDS) and "Right to Know" training on a yearly basis. The SDS covers substances that are used and can be found in Town facilities and how to appropriately handle these substances and what to do if a spill occurs. The "Right to Know" training covers the Town's responsibilities in relation to what information needs to be given to employees and where it is located. Beyond the aforementioned training, no other training is provided beyond on-the-job training. The Town's 2015 Annual Report stated that 0% of employees were trained during the reporting period. However, the Town's Highway Superintendent has attended various seminars or training courses offered by the Cornell Local Roads Highway School that discuss stormwater (June 2015 – *Stormwater Resiliency: What it Means for Local Highways*; June 2014 – *Culvert Inspection and Management Panel*; June 2013 – *Stormwater in a Climate of Change*, etc.).

As stated previously, the Town's MS4 area is limited to a small portion along the Town's eastern border (east of SR-89 from the Town of Ithaca border to the Girl Scout Camp) and a small section along the north side of Iradell Road to the west of SR-96. The two areas are primarily residential and the Town's Highway facility (Town Barn), including its salt storage, is located outside of the urbanized, or MS4, area. All vehicle maintenance is done at the Town Barn.

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Due to the small size of the Town's urbanized area, there are no catch basins within the urbanized area. There are 2 catch basins in the Town but they are not in the urbanized area according to the Highway Superintendent. In addition, the Town does not conduct street sweeping activities in the MS4 area. The Highway Superintendent stated there are approximately 2 miles of road within the MS4 area.

During the Audit, when asked if the Town had conducted a self assessment of its operations, activities and facilities, Ms. Kiley stated it had not been done. The Town's most recent Annual Report stated a self assessment had been conducted within the last three years for the following: street maintenance, bridge maintenance, salt storage, right of way maintenance, municipal building, stormwater system maintenance, vehicle and fleet maintenance. As indicated previously, the Town's urbanized area is very small and very little of the referenced activities occur within the urbanized area.

The Town has prepared a document titled "Stormwater Management Plan Pollution Prevention / Good Housekeeping for the Town of Ulysses Highway Department" dated 2012. The plan describes the Town's procedures for spill response and prevention, vehicle / equipment maintenance, hazardous and waste materials management, road salt storage and application, catch basin and storm drain system cleaning, waste dumping, and construction and land disturbance. In addition to identifying procedures, the plan identifies impacts the different activities have as well as solutions, problem evaluations and advisories.

Field Observations

During the Audit, the EPA visited construction sites, post-construction sites and outfalls within the Town's jurisdiction. As previously stated, the Town Barn or Highway Facility is not within the MS4 area.

EPA's field activity findings and observations related to Town's oversight of its construction sites, post-construction stormwater management practices (SMPs) and outfalls are summarized in the table below. Weather conditions on July 15, 2015 were cloudy and overcast. The temperature was approximately 55 °F to 65 °F during the course of the field activities. Photographs of the notable observations at the Town facilities and post construction stormwater management practices are included in **Attachment B**.

Name / Location	Notable Observations	Date of Observation
CONSTRUCTION SITES		
Cayuga Compost (NYR10R160)	<ul style="list-style-type: none"> - Facility is expanding operations and will be constructing a new clear span building on the south side of its property. - Site installed drainage diversion swale in NE corner due to tile drains from adjacent agricultural field - Walked site with Ms. Darby Kiley, Town SMO, who pointed out the following items of concern: <ul style="list-style-type: none"> - Silt fencing down or improperly installed in several areas of the site (eastern and northern portions) - A need for treatment for runoff from the new building that was being constructed and updating the SWPPP to account for the new practice(s) - Subsequent to the field activities, it was noted that site inspections were being done by the site owner / permittee. The site owner is not a qualified inspector in accordance with the NYSDEC Construction General Permit requirements. 	7/15/2015

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	<ul style="list-style-type: none"> - In addition, discrepancies were noted in the site's revised Notice of Intent and SWPPP regarding the area of disturbance (NOI states 0.5 acres of disturbance whereas the SWPPP states 3.3 acres of disturbance). The NOI was also missing information on several pages. - Subsequent to the Audit, Ms. Kiley forwarded the EPA a copy of the draft inspection report for Cayuga Compost which summarized the above items and assessed a "marginal" rating. 	
Wilcox Residence (NYR10X349)	<ul style="list-style-type: none"> - No active construction at time of site visit - Site previously issued Stop Work Order in 2013 due to area of disturbance and lack of SWPPP / permit coverage. Site has since developed SWPPP and obtained permit coverage. 	7/15/2015
POST – CONSTRUCTION SMPs		
ATC	<ul style="list-style-type: none"> - Site completed construction in 2014 with Notice of Termination signed in February 2015. - Four bioretention areas and one infiltration basin on-site. - Clear flow observed from infiltration basin outfall. Town representative stated flow was potentially groundwater. - Infiltration basin to the west and immediately adjacent to building had standing water that was stagnant (RIMG0018.JPG) and covered with algal growth. - Bioretention areas well vegetated. 	7/15/2015
OUTFALLS		
Glenwood & Maplewood Roads	<ul style="list-style-type: none"> - Minor rain event (~0.10") the night before (7/14/2015) - Outfall #1 (Maplewood Road) – clear flow - Outfall #2 (Maplewood Road @ bridge) – clear flow - Outfall #3 (Maplewood Road @ replaced culvert) – clear flow - Potential outfall #4 (@ bridge on Glenwood Road near Ithaca Yacht Club) – ditch runs parallel to Glenwood Road and receives flow from non-Town outfalls along SR-89 (RIMG0008.JPG) 	7/15/2015
Ithaca Yacht Club	<ul style="list-style-type: none"> - Private culvert maintained by Ithaca Yacht Club (IYC) to the east of bridge on Glenwood Road observed to be partially filled with shale (RIMG0009.JPG) - Culvert discharges to private outfall owned by IYC. Outfall discharges to Cayuga Lake. Culvert receives overland runoff from Glenwood Road to north and west and private drive owned and maintained by IYC. - Flow from outfall was clear. - Town Highway Superintendent stated he had spoken with IYC regarding the box culvert and told them that they needed to put in a bigger culvert. 	7/15/2015

4. POTENTIAL VIOLATIONS

1. Part IV.A of the Permit states that all permittees under GP-0-10-002 must have prepared a SWMP Plan documenting modifications to their SWMP. Part X of the Permit states that documents to be included in the SWMP Plan are procedures and materials for each Minimum Control Measure (MCM) and

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measurable goals. In accordance with the 2003 permit, the Town of Ulysses was required to develop and have fully implemented its SWMP Plan by January 8, 2008. While Town provided the EPA with a SWMP Plan dated June 26, 2015, it had not been updated since June 2012 when it was first drafted. Modifications to the plan were documented via “track changes.” However, the SWMP Plan did not include the following required elements, in violation of Part IV.A of the Permit:

- a. Description of the Town’s public involvement / participation program that provides the opportunity for the public to participate in the development, implementation, review and revision of the SWMP, as required by Part VII.A.2.b.iv of the Permit;
 - b. Updates to accurately reflect additional measures taken by the Town to inform public employees, businesses, and the general public of the hazards associated with illegal discharges and improper disposal of waste, and maintaining records of notifications, as required by Part VII.A.3.h of the Permit;
 - c. Written description of procedures for receipt, follow up, and documentation of complaints or other information submitted by the public regarding construction site storm water runoff, as required by Part VII.A.4.a.viii of the Permit; and,
 - d. Written description of procedures to ensure adequate long-term operation and maintenance of management practices identified in the Town’s post-construction inventory by trained staff, including inspection to ensure that the practices are performing properly as required by Part VII.A.5.a.vii of the Permit.
2. Part IV.G of the Permit requires that when a permittee relies upon any third party to develop or implement any portion of its SWMP, the permittee must, through a signed certification agreement, contract, or agreement provide adequate assurance that the third parties will comply with permit requirements applicable to the work performed by the third party. The certification statement, contract or agreement must also identify the activities that the third party will be responsible for and include the name and title of the person providing the signature, the name, address and telephone number of the third party entity, an identifying description of the location of the work performed and the date the certification statement, contract or other agreement is signed. During the Audit, the Town of Ulysses stated that it contracts with the Tompkins County Soils and Water Conservation District (TC SWCD) on an annual basis to provide reviews of SWPPPs. The contract between the Town and the TC SWCD included most of the items required by the permit; however, it did not provide adequate assurance that the TC SWCD will comply with the MS4 permit. In addition, as the Stormwater Coalition of Tompkins County implements Minimum Control Measures 1 & 2 for all MS4s within the Coalition, as such the Coalition is considered to be a third party. The Town’s SWMP Plan references a Memorandum of Agreement (MOA) with the Coalition which does not outline the activities implemented by the Coalition. Furthermore, a signed copy of the MOA was not available for review at the time of the Audit, nor had the MOA been updated to reflect the current permit as it still referenced the original permit (e.g. GP-02-02).
3. Part VII.A.3.d of the Permit requires all permittees to conduct an outfall reconnaissance inventory, as described in the EPA publication entitled *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment*, addressing every outfall within the urbanized area and additionally designated area within the covered entity’s jurisdiction at least once every five years, with reasonable progress each year. During the Audit, the Town of Ulysses stated that while outfalls are regularly checked and cleaned after storm events, it had not conducted an outfall reconnaissance inventory at every outfall within the last five years.

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4. Part VII.A.4.a.vi of the Permit requires all permittees to develop (for newly authorized MS4s), implement and enforce a program that contains requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality, pursuant to the requirement of construction permit. During the Audit, it was observed that the Town of Ulysses did not have specific language or requirements in its program requiring construction site operators to control waste such as discarded building materials, concrete truck washout, etc.
5. Part VII.A.4.a.ix of the Permit requires all permittees to develop (for newly authorized MS4s), implement and enforce a program that describes procedures for site inspections and enforcement of erosion and sediment control measures, including steps to identify priority sites for inspection and enforcement and Notice of Termination (“NOT”) procedures for signing the MS4 acceptance statement on the NOT. At the time of the Audit, the Town’s SWMP Plan did not describe the Town’s NOT procedures nor did the Standard Operating Procedure that was forwarded to the EPA on September 21, 2015. The EPA Audit Team did note that while the Town of Ulysses provided a verbal summary of its NOT procedures during the Audit, it was not documented in writing as required by the Permit.
6. Part VII.A.4.xi of the Permit requires all permittees to develop (for newly authorized MS4s), implement and enforce a program that ensures that construction site operators have received erosion and sediment control training before they do work within the covered entity’s jurisdiction and maintain records of that training. At the time of the Audit, Town of Ulysses representatives stated that they knew the operators had taken the trainings and had the certifications on-site. However, the Town does not retain documentation of the Town’s efforts to ensure that operations have received the required training.

5. AREAS OF CONCERN AND RECOMMENDATIONS

1. During the Audit, it was noted that the Town of Ulysses was working toward developing the preliminary boundaries of its storm sewershed map and expected that it would be completed in the fall of 2015. On November 23, 2015, the Town forwarded a copy of its Standard Operating Procedure dated November 20, 2015 titled “Illicit Discharge Detection and Elimination (IDDE).” The IDDE SOP stated that the Town’s storm sewersheds have been preliminarily delineated. The EPA recommends that the Town reference in its IDDE SOP or SWMP plan where the referenced maps can be reviewed / obtained.
2. During the Audit, it was noted that the Town of Ulysses maintains an inventory of its active construction sites. The inventory consisted of information such as tax parcel ID, address, project name, contact last names for owner and engineer. As required by Part VII.A.4.a.xii, the inventory must also include owner / operator contact information. Therefore, the EPA recommends that the Town consider including additional contact information such as phone numbers, mailing address and e-mail addresses for the relevant contacts.
3. Subsequent to the Audit, the Town of Ulysses forwarded an SOP titled “Municipal Construction Site Inspection” dated July 30, 2015. The updated SOP outlined the Town’s inspection program including defining qualified personnel, selection of sites, preparation for inspections, field procedures, inspection reports (including determination of follow-up actions), and records management. However, the SOP did not include a description of the Town’s enforcement escalation plan or how the Town would specifically address non-compliance beyond formulating a plan of action. The EPA recommends that the Town identify in its SOP how it will address non-compliance via informal and formal mechanisms and how it

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will communicate said non-compliance to site owners / operators. The EPA also recommends including timeframes in inspection reports when requiring responses from non-compliant sites.

4. Part VII.A.6.a.ii of the Permit requires all permittees must at a minimum frequency of once every three years, perform a self-assessment of all municipal operations addressed by the SWMP to: determine the sources of pollutants potentially generated by the permittee's operations and facilities and identify the municipal operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it is not done already. At the time of the Audit, Town of Ulysses representatives stated that a self assessment of the Town's operations and facilities had not been conducted. However, the Town has prepared a Stormwater Management Plan for Pollution Prevention / Good Housekeeping (2012) which outlines the Town's procedures for a variety of practices. The procedures also identified the impacts that the activities have as well as solutions, problem evaluations and advisories. The EPA recommends that the Town conduct a formal self assessment of its municipal operations as required by the Permit and further refine or update its Stormwater Management Plan for Pollution Prevention / Good Housekeeping as needed.
5. Part VII.A.6.vi of the Permit requires all permittees to develop (for newly authorized MS4s) and implement a pollution prevention / good housekeeping program for municipal operations and facilities that includes an employee pollution prevention and good housekeeping training program and ensures that staff receive and utilize the training. At the time of the Audit, the SWMP Plan for the Town of Ulysses stated that Highway staff were encouraged to attend Safety Data Sheets and Right to Know training on a yearly basis. In addition, based on training records provided, the Highway Superintendent attends annual training classes offered by the Cornell Local Roads Highway School that appear to touch on stormwater. The EPA recommends that the Town of Ulysses refine (and document) its training program to include the activities that are taking place and give further consideration to providing all staff with access to stormwater trainings that are either provided by the Town or in partnership with other entities such as the Tompkins County Stormwater Coalition.

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Attachment A

The Town provided EPA Region 2 with copies of the following materials prior to the audit:

1. Stormwater Management Program Plan updated June 26, 2015
2. Notice of Intent – 3/3/2003
3. NYSDEC Notice of Intent Acknowledgement – 3/24/2003
4. Municipal Compliance Certification Form and Annual Report for reporting period ending March 9, 2015
5. Flow Diagram of delegation responsibilities for 6 MCMs
6. Maps
 - a. Adjacent MS4 Communities
 - b. Receiving Waters
 - c. Town MS4 Outfalls
7. Listing of Culverts
8. Construction site information
 - a. Tabular listing of current construction sites greater than one acre
 - b. Construction site inspection logs for all sites since 2011
9. Summary of all training provided to staff
 - a. Tabular listing of all training provided to staff since 2007
10. Ordinances
 - a. Town's illicit discharge ordinance (Local Law No. 1 of 2012)
 - b. Town's stormwater management ordinance (Local Law No. 3 of 2007)
11. Illicit discharge elimination reports
12. Tabular listing of Town municipal facilities
13. Summary of good housekeeping / municipal activities performed by the Town

The Town provided EPA Region 2 with copies of the following materials during and following the Audit:

1. 9/22/2014 Site visit report for ATC
2. Revised training summary for Town staff
3. Documentation of SWMP Plan changes between 2012 and 2015
4. Good housekeeping pollution prevention procedures
5. Update on Cayuga Compost
6. Draft Cayuga Compost inspection report
7. Annual Report MCM Summary for 2013 and 2014
8. Overview of MCMs for 2015
9. ATC SWPPP Review comments (October 12, 2011 & November 8, 2011)
10. ATC SWPPP Review checklist (October 11, 2011)
11. Wilcox Farm Residence Pond Improvements SWPPP Review checklist (December 9, 2014)
12. SOP for Erosion and Sediment Control Plan Portion of SWPPPs
13. SOP for Post Construction Stormwater Management Portion of SWPPPs
14. SOP for Municipal Construction Site Inspection
15. Post-Construction Stormwater Management Practice Inventory
16. SOP for Illicit Discharge Detection and Elimination

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Attachment B

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RIMG0008.JPG - Runoff channel toward bridge on Glenwood Road



RIMG0009.JPG - Private culvert maintained by Ithaca Yacht Club; culvert was partially filled with shale

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RIMG018.JPG - Infiltration basin SMP adjacent to the building “silos” at ATC; note stagnant water